

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|----------------|---|------------------------|
| JOHNNY STEELE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. CIV-05-0703-F |
| |) | |
| RON WARD, |) | |
| |) | |
| Respondent. |) | |

ORDER

The Report and Recommendation of Magistrate Judge Gary M. Purcell, filed June 24, 2005, is before the court. (Docket entry no. 6.)

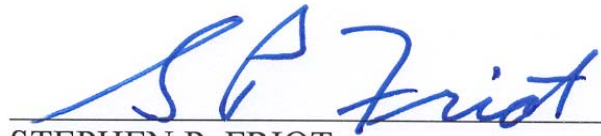
The Report recommends that petitioner be denied leave to proceed in forma pauperis. (Motion at docket entry no. 3.) The Report further recommends that this action be dismissed without prejudice if petitioner does not pay the \$5 filing fee.

As reflected by docket entry no. 7, petitioner has now paid the \$5 filing fee, apparently conceding that he is not entitled to in forma pauperis status and confirming the magistrate judge's finding that petitioner has sufficient financial resources to pay the filing fee. Consistent with his payment of the filing fee, petitioner has not filed any objection to the Report. (Although the Report allowed petitioner until July 14, 2005 to object, payment of the filing fee moots any issue regarding dismissal.)

For these reasons, after review of the Report and the record, the findings stated in the magistrate judge's Report and Recommendation are hereby **ACCEPTED**, **ADOPTED**, and **AFFIRMED**, and petitioner's motion for leave to proceed in forma pauperis is **DENIED**. As petitioner has now paid the \$5 filing fee, the result is that

this action is not dismissed but continues to pend. Accordingly, this action is referred back to the magistrate judge for proceedings consistent with the original referral.

Dated this 6th day of July, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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